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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/506,398  | 05/11/2005  | Hiroaki Tsutsumi     | SHIGA5.001APC       | 1423             |
| 20995   | 7590        | 11/06/2006           | EXAMINER            |                  |
| KNOBBE MARTENS OLSON & BEAR LLP<br>2040 MAIN STREET<br>FOURTEENTH FLOOR<br>IRVINE, CA 92614 |             |                      | NGO, LIEN M         |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3754                |                  |

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/506,398

Applicant(s)

TSUTSUMI ET AL.

Examiner

LIEN TM NGO

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/18/06 & 12/10/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/06/06 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Santana (5,257,705) in view of Krautkramer (6,325,226).

De Santana discloses, in fig. 4, a synthetic resin cap fitted in the container opening and having: a cap body having a top plate 1 and a cylindrical section 3 extending downward from a periphery thereof and having, in an inner peripheral surface thereof, a threaded section 5 that engages with a thread of the container opening; and wherein an angle of circumference along which the threaded section is formed is from 680° to 720°; the threaded section is divided by dividing sections into a plurality of divided threaded sections; the dividing sections are

provided at substantially equal intervals selected from 45° to 90° in the circumferential direction and the divided threaded section which is immediately below the divided threaded section at the nearest position to the top plate and the divided threaded section which is immediately above the divided threaded section at the farthest position from the top plate are formed continuously.

De Santana does not disclose a circular inner seal projection formed on an inner surface of the top plate and fitting into the container opening, and an opening edge seal projection being able to bend and be deformed until it contacts the cap body.

Krautkramer teaches, in fig 2, a cap having a circular inner seal projection 3 formed on an inner surface of the top plate and fitting into the container opening, and an opening edge seal projection 4 being able to bend and be deformed until it contacts the cap body.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cap of De Santana with a circular inner seal projection formed on an inner surface of the top plate and fitting into the container opening, and an opening edge seal projection being able to bend and be deformed until it contacts the cap body, as taught by Krautkramer, in order to enhance effective sealing.

4. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Percheipied (EP 644125) in view of Krautkramer (6,325,226).

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Percheipied discloses, in fig. 2, a synthetic resin cap fitted in the container opening and having: a cap body having a top plate 3 and a cylindrical section 3a extending downward from a periphery thereof and having, in an inner peripheral surface thereof, a threaded section 8 that engages with a thread of the container opening; and wherein an angle of circumference along which the threaded section is formed is from  $680^{\circ}$  to  $720^{\circ}$ ; the threaded section is divided by dividing sections into a plurality of divided threaded sections; the dividing sections are provided at substantially equal intervals selected from  $45^{\circ}$  to  $90^{\circ}$  in the circumferential direction and the divided threaded section which is immediately below the divided threaded section at the nearest position to the top plate and the divided threaded section which is immediately above the divided threaded section at the farthest position from the top plate are formed continuously.

Percheipied does not disclose a circular inner seal projection formed on an inner surface of the top plate and fitting into the container opening, and an opening edge seal projection being able to bend and be deformed until it contacts the cap body.

Krautkramer teaches, in fig 2, a cap having a circular inner seal projection 3 formed on an inner surface of the top plate and fitting into the container opening, and an opening edge seal projection 4 being able to bend and be deformed until it contacts the cap body.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cap of Percheipied with a circular inner seal projection formed on an inner surface of the top plate and fitting into the container opening, and an opening edge seal projection being able to bend and be deformed until it contacts the cap body, as taught by Krautkramer, in order to enhance effective sealing.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KEVIN SHAVER can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

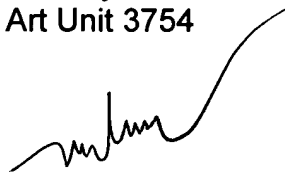
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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October 31, 2006

LIEN TM NGO  
Primary Examiner  
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A handwritten signature in black ink, appearing to read 'Lien TM Ngo', with a long, sweeping flourish extending upwards and to the right.